

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEITH AUSTIN,

Plaintiff,

Case No. 2:13-cv-00089-GMN-NJK

vs.

STATE OF NEVADA, et al,

Defendants.

**ORDER THAT PLAINTIFF MUST
FILE AN AMENDED COMPLAINT**

Pending before the Court is Plaintiff's "response" to the Court's order dismissing his complaint without prejudice and requiring an amended complaint to be filed. *See* Docket No. 8; *see also* Docket No. 4 (order). Plaintiff's "response" is deficient. As the Court ordered previously, Plaintiff is required to file an amended complaint. *See* Docket No. 4 at 4. The Court further instructed Plaintiff:

If Plaintiff chooses to amend the complaint, Plaintiff is informed that the Court cannot refer to a prior pleading (i.e., his original Complaint) in order to make the Amended Complaint complete. This is because, as a general rule, an Amended Complaint supersedes the original Complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Local Rule 15-1 requires that an Amended Complaint be complete in itself without reference to any prior pleading. Once a plaintiff files an Amended Complaint, the original Complaint no longer serves any function in the case. Therefore, in an Amended Complaint, as in an original Complaint, each claim and the involvement of each defendant must be sufficiently alleged.

Docket No. 4 at 4.

Plaintiff's response is not an amended complaint. It does not outline claims and provide factual allegations supporting those claims. It also refers back to the original complaint. Accordingly, Plaintiff has failed to comply with the Court's order requiring that he file an amended complaint.

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The Court will provide Plaintiff with one more chance to file a proper amended complaint, which must comply with the instructions outlined above and in the Court's previous order. To the extent Plaintiff believes he can state a claim under 42 U.S.C. § 1983, he may use the form that was used for his initial complaint. To the extent Plaintiff seeks to bring a claim other than one arising under 42 U.S.C. § 1983, he should file a complaint formatted in a manner consistent with the sample complaint attached hereto. **Plaintiff must file his amended complaint no later than July 15, 2013.** Failure to comply with this Order will result in the recommended dismissal of this case, without prejudice.

IT IS SO ORDERED.

Dated: June 14, 2013

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE